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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,733	12/27/2000	Matthias Weiss	A33890-066340.0126	6347

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EXAMINER	
HARKNESS, CHARLES A	

ART UNIT	PAPER NUMBER
2183	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,733	WEISS ET AL.	
	Examiner	Art Unit	
	Charles A Harkness	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the amendment to the title, the objection to the specification has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cmelik et al., U.S. Patent Number 6,031,992 (herein referred to as Cmelik).

3. Referring to claim 4 Cmelik has taught the improvement wherein during a configuration phase instruction word parts corresponding to data-stationary commands are assembled as complex words in a complex word sequence, identified by a complex word pointer and stored in a complex word table at a location corresponding to said pointer (Cmelik column 9 lines 51-65), wherein said complex word pointers are provided as program words corresponding to said data-stationary commands (Cmelik figure 8, column 19 line 31-column 20 line 4; the address of the sequence that was already been translated as the branch address for the particular condition controlling the branch; wherein data-stationary commands is interpreted from page 2 in the specification as a command that does not have definite information by what route a processor is to execute the command, and this is taught since Cmelik teaches multiple units for memory, integer and fp commands), and wherein upon encountering said complex word pointers in said

program words during an execution phase, said complex words are read from said complex word table and stored in parallel in said secondary instruction word memory (Cmelik column 19 line 31-column 20 line 54).

4. Referring to claim 5 Cmelik has taught wherein said complex words further include assignments for storage of said complex words in said secondary instruction word memory (Cmelik figure 7, column 15 line 21-column 16 line 34; as shown in the figure, once the words are translated they are added to the buffer so that they can be used again without translating them again, and they would require some address or index in the buffer).

5. Referring to claim 6 Cmelik has taught wherein said secondary instruction word memory is operated in a fixed sequence (Cmelik figure 7, column 15 line 21-column 16 line 34; since the reordering and scheduling are done before the instructions are stored in the buffer, the instructions are simply executed in order that they are stored).

6. Referring to claim 7 Cmelik has taught the improvement wherein there is provided a memory for storing instruction word parts corresponding to data-stationary commands, said instruction word parts being stored during a configuration phase at a location corresponding to a complex word pointer corresponding to a data-stationary command (Cmelik column 9 lines 51-65), and wherein said memory is arranged to transfer said complex word parts to said buffer memory in parallel to execute a data-stationary command (Cmelik figure 8, column 19 line 31-column 20 line 4; the address of the sequence that was already been translated as the branch address for the particular condition controlling the branch; wherein data-stationary commands is interpreted from page 2 in the specification as a command that does not have definite information by what route a processor is to execute the command, and this is taught since Cmelik

teaches multiple units for memory, integer and fp commands; as shown in figure 6c the commands are sent to the corresponding execution units in parallel).

7. Referring to claim 8 Cmelik has taught further having an execution memory wherein instruction word sequences are stored in the form of program words, and wherein there is provided a configuration processor for storing said complex word pointers as program words in said execution memory for data-stationary commands (Cmelik figure 7, column 15 line 21-column 16 line 34; as shown in the figure, once the words are translated they are added to the buffer so that they can be used again without translating them again, and they would require some address or index in the buffer; the commands are in the form of program words).

Response to Arguments

8. Applicant's arguments filed 06/11/04 have been fully considered but they are not persuasive.

9. In the remarks, in regard to the rejection of the claims, Applicant argues in essence that:

> "In contrast, Applicants' invention describes a translation of primary instruction words into a sequence of program words during a configuration phase by, for example, using a compiler. As set forth in claims 4 and 7 as amended, the translation is fully performed during the configuration phase. Thus, in the present invention, instruction words are preprocesed for later execution so the data can be handled more easily. As a result, in the invention, the complex word detection and storage is an unconditional branch, not a conditional branch as in Cmelik. See col. 19, lns. 42-48. Therefore, unlike Cmelik, which performs translation during execution, no "translation buffer" is needed in connection with the present invention."

10. This is not found persuasive. Nowhere in the claims does it mentioned that the claims are limited to the translation being done by a "compiler", that the "instruction words are

preprocessed for later execution so the data can be handled more easily", or that "no 'translation buffer' is needed in connection with the present invention."

11. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "instruction words are preprocessed for later execution so the data can be handled more easily") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

12. The fact that the Applicant claims that the "translation of the primary instruction words into a sequence of program words during a configuration phase" does not imply, or make inherent, that the translation occurs inside of a compiler. The translation as described is still read upon and anticipated by the system of Cmelik (See col. 9 lines 51-65). The system of Cmelik would have a "configuration phase" where the translation would occur before the execution of the program would take place.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A Harkness whose telephone number is 703-305-7579. The examiner can normally be reached on 8Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on 703-305-9712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Allen Harkness

Patent Examiner

Art Unit 2183

September 13, 2004

EDDIE CHAN
SUPERVISORY PATENT EXAMINER
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